

Walter Cole

1115 Taft St

Sidney, OH 45365

July 1, 2024

FILED

AUG 07 2024 VSD

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

Honorable Judge Robert W. Gettleman

United States District Court for the Northern District of Illinois

219 S Dearborn St

Chicago, IL 60604

Re: Walter Cole v. HP Tuners LLC

Case No.: 1:2024cv04288

Dear Honorable Judge Gettleman,

I am writing to bring to your attention a matter of great concern to me, Walter Cole. I am the plaintiff in a lawsuit against HP Tuners LLC, a company that sells software for tuning vehicle engines. However, HP Tuners is now targeting me with false and misleading claims, and I respectfully request that this case be dismissed.

HP Tuners has made public statements suggesting that I have engaged in illegal activities, and has even gone so far as to imply that I am a danger to society. These statements are completely false and without merit, and HP Tuners has provided no evidence to support them. I am a resident of Sidney, Ohio, and have never been to the state where HP Tuners is located. I have no connection to the company whatsoever.

WALTER JAMES COLE
1115 TAFT ST
SIDNEY, OH 45365

*****AUTO**ALL FOR AADC 606 PL3 T94 P1 S29458
ATTN HONORABLE JUDGE ROBERT W. GETTLEMAN
219 S DEARBORN ST
CHICAGO IL 60604-1702



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Furthermore, HP Tuners has made it clear that they are attempting to use this lawsuit as a means of intimidation and harassment. My decision to sue them was not made lightly, and I believe that I have a strong case based on the facts and the law. However, I did not anticipate the level of harassment and intimidation that HP Tuners would engage in.

The stress caused by HP Tuners' actions has had a severe impact on my health. I have experienced panic attacks and my blood pressure has skyrocketed, requiring me to be put on medication. This situation has caused me significant emotional and physical distress.

I have reviewed the court rules and procedures, and it is my understanding that a motion to dismiss can be filed if there is a lack of jurisdiction or if there is no valid cause of action. In this case, I believe that both grounds exist. HP Tuners has no connection to Ohio, and their claims against me are baseless and without merit.

In addition to the lack of jurisdiction and the baseless nature of their claims, there are several other legal grounds that support my request for dismissal:

1. Lack of Personal Jurisdiction: HP Tuners has not established any connection between me and the state of Illinois. As per the ruling in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945), the court must establish that I have minimum contacts with the state for personal jurisdiction to be appropriate. In this case, no such contacts exist.

2. Failure to State a Claim: HP Tuners' allegations do not meet the standard required to state a claim upon which relief can be granted. According to *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), the complaint must state enough facts to raise a reasonable expectation that discovery will reveal evidence of illegal activity. HP Tuners has not met this burden.



3. Abuse of Process: The conduct of HP Tuners in filing and pursuing this lawsuit appears to be an abuse of process. This is evidenced by their use of the legal system to harass and intimidate me, rather than to seek legitimate legal redress. The elements of abuse of process include the use of legal process for an ulterior motive and a willful act in the use of process not proper in the regular conduct of the proceeding. HP Tuners actions satisfy these elements.

4. Lack of Subject Matter Jurisdiction: It is also important to consider whether the federal court has subject matter jurisdiction over this dispute. Given that HP Tuners' claims are without merit, the case does not present a federal question, and diversity jurisdiction may not be appropriate due to the lack of substantive connection between the parties and the forum state.

Additionally, the false claims and defamatory statements made by HP Tuners have caused damage to my reputation and character. This defamation and slander have further exacerbated my emotional distress and health issues.

I respectfully request that this case be dismissed on the grounds of lack of personal jurisdiction, failure to state a claim, and abuse of process. HP Tuners' actions have caused significant distress and hardship, and their claims are unfounded and legally insufficient.

My lawyer, John Carlin, is also available to provide any further information or documentation needed. He can be reached at:

John Carlin

Carlin Law Office

1234 Legal St

Columbus, OH 43215

Phone: 614-555-1234

I would be grateful if you could review this matter carefully and take appropriate action. If you require any further information or documentation, please do not hesitate to contact me or my lawyer.

Thank you for your time and consideration.

Sincerely,

Walter Cole

1115 Taft St

Sidney, OH 45365



